

Kansas State Fire Marshal – Fire Prevention Division

References (s): K.S.A 31-140

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FIRE FACT 023 – APPEALS PROCESS

This Fire Fact is for Kansas State “Routine” inspections. Federal inspections conducted by KSFM staff are addressed under the Informal Dispute Resolution Fire Fact.

Occasionally a facility may feel like a violation has been cited incorrectly or that the violation was not an accurate interpretation of the code requirement. In these cases, the facility would need to submit an appeal to the Kansas State Fire Marshal’s Office.

K.S.A 31-140 grants any person the ability to appeal any violation within 15 days from the date of the violation by filing a written notice of such appeal in the office of the state fire marshal.

The state fire marshal will review the appeal within 30 days after receipt and will make a final decision. Unless the violation is revoked or modified, the violation must be appropriately addressed within the normal timeframes of providing a plan of correction.

What is an Appeal

It’s important to understand that an appeal is a written statement that you (the facility) think that the violation is inaccurate.

An appeal is not a method to:

- “Grandfather” a pre-existing, non-conforming condition (See Compensatory Measures)
- Avoid correction due to high cost (See Waiver)
- Delay correction for any reason (See Waiver)

Filing an Appeal

Facilities must submit the appeal on official company letterhead and must contain detailed information regarding the basis for the appeal. Facilities have two options when submitting an appeal: desk review or formal hearing. You must indicate which option you are requesting.

The information below must be provided within the appeal notice:

- Facility reference number
- Date of appeal notice
- Inspection date
- Violation being disputed
- Regulatory information supporting appeal
- Title and Signature of person submitting the appeal
- Further contact information

What about the Plan of Correction?

A written plan of correction is required to be submitted to KSFM within the original allotted timeframes regardless of if a facility is submitting or has submitted an appeal. Facilities must address the disputed violation as if the violation will be upheld. If a decision to revoke or modify the violation is made, then the facility will receive a new violation notice. However, if the violation is upheld, the facility’s plan of correction will be ready for final approval.